

Memorandum

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To: DEPUTY DISTRICT DIRECTORS FOR
ENVIRONMENTAL ANALYSIS
DEPUTY DISTRICT DIRECTORS FOR
PLANNING
DISTRICT ENVIRONMENTAL
OFFICE/BRANCH CHIEFS

Date: April 21, 2004

File: EMO

From: GARY R. WINTERS
Chief
Division of Environmental Analysis

Subject: 2003 Programmatic Categorical Exclusion Agreement – Approval Authority of
Local Assistance Projects

On November, 18, 2003, the Division of Environmental Analysis (DEA) announced the new 2003 Programmatic Categorical Exclusion (PCE) Agreement with the Federal Highway Administration's (FHWA) California Division and outlined the procedures for review and approval of PCEs made under that agreement. Because Districts and Regions are organized differently with respect to environmental review of federal-aid local assistance work, and owing to questions that have arisen about when environmental planners assigned to district Local Assistance units may sign PCEs, DEA is now clarifying the delegation of approval authority for projects located off the State Highway System (SHS) as well as the review and approval procedures.

I am delegating approval authority for PCEs for qualified projects located off the SHS under the 2003 Agreement to the Deputy District Director (DDD) that has ultimate supervising responsibility for the Senior Environmental Planner (SEP) as outlined below:

SEP IN LOCAL ASSISTANCE - In those districts that have a Senior Environmental Planner assigned to Local Assistance, that SEP may be designated by the appropriate DDD to approve PCEs according to the procedures outlined below. In no case shall approval authority be delegated below the SEP classification. Depending upon the organization of the specific district, the delegation of PCE approval authority is to the DDD for Planning or the DDD for Program/Project Management, whichever applies.

NO SEP IN LOCAL ASSISTANCE - In those districts that have only Environmental Planners and/or Associate Environmental Planners assigned to Local Assistance, those planners coordinate with the appropriate SEP (Environmental Branch Chief) for approval of local assistance NEPA documents. In such districts, the delegation of PCE approval authority is to the DDD for

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Environmental, who may designate a SEP (Environmental Branch Chief) to approve PCEs. In no case shall approval authority be delegated below the SEP classification.

DISTRICTS WHERE ENVIRONMENTAL BRANCHES REVIEW LOCAL ASSISTANCE PROJECTS - In several districts, local assistance projects are reviewed and approved entirely by staff assigned to an Environmental Branch. For districts with this organization, I am delegating PCE approval authority to the Deputy District Director for Environmental, who may designate the appropriate SEP(s). In no case shall approval authority be delegated below the SEP.

Review and Approval Procedures

The Department has committed to FHWA that it will use the following procedures to ensure appropriate use, review, and approval of PCEs under this agreement:

- On the SHS: Deputy District Director for Environmental (or Senior Environmental Planner designee) determines if the action meets the criteria and signs PCE form.
- Off the SHS:
 - District Local Assistance Engineer (DLAE) and appropriate DDD (or Senior Environmental Planner designee) review the PES form to determine if the action/undertaking meets the criteria. **BOTH DLAE AND DDD (or Senior Environmental Planner designee) SIGN PES FORM.**
 - If action is on 771.117(c) list, the DLAE signs the PCE form.
 - If the action is on the 771.117(d) list, the **APPROPRIATE DDD (or Senior Environmental Planner designee) REVIEWS THE PROJECT AND SIGNS THE PCE FORM.**